

HOUSE No. 4346

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 7, 2007.

The committee on Public Health to whom were referred the petition (accompanied by bill, House, No. 2051) of Antonio F.D. Cabral and others relative to the disclosure of trans fatty acids in the preparation of foods in restaurants and hotels, and the joint petition (accompanied by bill, House, No. 2147) of Peter J. Koutoujian and others that the Department of Public Health be directed to promulgate regulations to restrict the use of trans fats in the preparation of food served as meals in restaurants, reports recommending that the accompanying bill (House, No. 4346) ought to pass.

For the committee,

PETER J. KOUTOUJIAN.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT PROTECTING THE PUBLIC HEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 94 of the Massachusetts General Laws is hereby
2 amended by inserting after section 58 the following section:
3 Section 58A.
4 (a) No foods containing artificial trans fat, as defined in this
5 section, shall be stored, distributed, held for service, used in
6 preparation of any menu item or served by a common victualler as
7 licensed in section 6 of chapter 140, except food that is being
8 served directly to patrons in a manufacturer's original sealed
9 package.
10 (b) For the purposes of this section, a food shall be deemed to
11 contain artificial trans fat if the food is labeled as, lists as an
12 ingredient, or contains any kind of partially hydrogenated
13 vegetable oil. However, a food whose nutrition facts label or other
14 documentation from the manufacturer lists the trans fat content of
15 the food as less than 0.5 grams per serving, shall not be deemed to
16 contain artificial trans fat.
17 (c) The department of public health and the local boards of
18 health within their respective jurisdictions shall enforce the provi-
19 sions of this section. The department of public health shall make
20 rules and regulations to secure proper enforcement of this section.
21 Any person who violates any rule or regulation duly adopted and
22 promulgated by said department of public health pursuant to this
23 section shall be punished by a fine of not less than \$25 and not
24 more \$1,000.
25 (d) This section shall take effect 6 months after passage with
26 respect to oils, shortenings and margarines containing artificial
27 trans fat that are used for frying or in spreads; except that the

28 effective date of this section with regard to oils or shortenings
29 used for deep frying of yeast dough or cake batter, and all other
30 foods containing artificial trans fat, shall be 12 months after
31 passage.